

**CHAPTER 11
SITE PLAN REVIEW**

SECTION 11.01 PURPOSE. The purpose of this chapter is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity. **[Section 11.01 amended 8/7/13]**

SECTION 11.02 SITE PLANS REVIEWED.

- A. The Zoning Administrator shall not issue a zoning compliance permit for any new or expanded building, structure or use until a final site plan has been reviewed and approved, as required by this section.
- B. Approval by the Courtland Township Planning Commission is required for the following:
 - 1. Any new building, structure or use in the non-residential districts.
 - 2. Any permitted use in the residential and agricultural districts, except single or two-family dwellings located on individual lots within developments which have been approved, if applicable.
 - 3. Site condominiums.
 - 4. Act 177 Cluster Developments.
 - 5. An alteration of an existing building, structure or site improvement resulting in both an increase in the gross floor area of the building by 20 percent or more, and of a scope that would call for five or more additional parking spaces (whether such spaces are present or not).
 - 6. Planned unit developments.
 - 7. Special land uses in any district.
 - 8. As otherwise required in this Ordinance.
- C. A final site plan shall be reviewed and approved by the Township Zoning Administrator in the following circumstances:
 - 1. An alteration of an existing building, structure or site improvement resulting in either an increase in the gross floor area of the building of less

than 20 percent, or of a scope that the expansion would call for less than five additional parking spaces (whether such spaces are present or not).

2. Construction of a building or structure which is accessory to a principal use or building.
3. A change in use from one permitted use to another permitted use, not accompanied by any increase in the exterior dimensions of the building, or any change to parking or circulation.

The Zoning Administrator shall apply the same standards, and have the same powers and duties as provided in this chapter for review by the Planning Commission. The Zoning Administrator may, in his/her sole discretion, in consultation with the chair of the Planning Commission and/or supervisor, refer requests for site plan approval to the Planning Commission, even if such site plans are eligible for staff approval.

- D. The following buildings, structures and uses are exempt from the requirement of site plan approval under this Ordinance, but shall require a zoning permit and all applicable building and similar permits:
 1. A single family or two-family dwelling, and permitted accessory structures, located within a development which has been approved by the Township.
 2. Farm buildings, except farm markets which are subject to Planning Commission review.
- E. The Planning Commission or Zoning Administrator may, in their discretion, waive some or all of the materials or information required to be submitted with the site plan application, provided the information submitted is sufficient to allow appropriate review and verification that the standards of this chapter and the Zoning Ordinance have been satisfied. **[Section 11.02.A-E amended 8/7/13]**

SECTION 11.03 APPLICATION PROCEDURES.

- A. An application for site plan review by the Planning Commission shall be submitted at least 45 days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit it to the Planning Commission. **[Section 11.03.A amended 8/7/13]**
- B. An application for either a preliminary or final site plan review shall consist of the following:
 1. Ten copies of the preliminary or final site plan.
 2. A completed application form, as provided by the Township.

3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
4. A legal description, including permanent parcel number, of the entire property, which is the subject of the site plan review.
5. Other materials as required in this chapter.

SECTION 11.04 REVIEW PROCEDURES.

A. Preliminary Site Plan Review. [Section 11.04.A deleted, subsequent subsections renumbered, 9/2/15]

1. If desired by the applicant, a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
 - a. Small scale sketch of properties, streets and use of land within one half mile of the area.
 - b. A site plan at a scale of not more than one inch equals 100 feet (1"=100') showing any existing or proposed arrangement of:
 - (1) Existing adjacent streets and proposed streets.
 - (2) Lots.
 - (3) Parking lots and access points.
 - (4) Proposed buffer strips or screening.
 - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - (6) Location of any signs not attached to the building.
 - (7) Existing and proposed buildings.

- (8) General topographical features including contour intervals no greater than two feet. **[Section 11.04.B.b.8 amended 12/3/03]**
 - (9) All buildings and driveways within 100 feet of all property lines. **[Section 11.04.B.2.b(9) added 10/6/93]**
- c. A narrative describing:
- (1) The overall objectives of the proposed development.
 - (2) Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this chapter.

SECTION 11.05 FINAL SITE PLAN REVIEW.

- A. If desired by the applicant, a final site plan may be submitted for review without first receiving approval of a preliminary site plan. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
- 1. Legal description of the property, including permanent parcel number.
 - 2. Small scale sketch of properties, streets and use of land within one half mile of the area.
 - 3. A narrative describing the items indicated in Section 11.04.B.2.c. **[Section 11.05.A.3 amended 10/6/93]**
 - 4. Ten copies of a site plan at a scale not to exceed one inch equals 100 feet (1"=100'). The following items shall be shown on the plan:
 - a. Date of preparation/revision.
 - b. Name and address of the preparer.

- c. The topography of the site at a minimum of two-foot intervals and its relationship to adjoining land. **[Section 11.05.A.4.c amended 12/3/03]**
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 13.
 - l. Easements, if any.
 - m. Dimensions and number of proposed lots.
 - n. All buildings and driveways within 100 feet of all property lines. **[Section 11.05.A.4.n added 10/6/93]**
- B. The Planning Commission, prior to granting approval of a final site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions, the final site plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the standards of Section 11.06. **[Section 11.05.C amended 12/3/03]**

SECTION 11.06 SITE PLAN REVIEW STANDARDS.

- A. The Planning Commission shall review the preliminary and final site plan and approve, approve with conditions, or deny the application based on the purposes,

objectives and requirements of this Ordinance, and specifically, the following considerations when applicable: **[Section 11.06.A amended 8/2/06]**

1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
3. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

9. Off-street parking and loading areas shall be provided where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
10. The general purposes and spirit of this Ordinance and the Master Plan of the Township. **[Section 11.06.A.1-10 renumbered 10/6/93]**

SECTION 11.07 APPROVED SITE PLANS.

- A. Upon approval of the preliminary and final site plans, the chair of the Planning Commission shall sign two copies thereof. One signed copy shall be made a part of the Commission's files and one copy shall be returned to the applicant. Upon approval of the final site plan, the chair of the Planning Commission shall sign three copies thereof. One signed copy shall be made part of the Township's files; one shall be forwarded to the Building Inspector for review of the building permit application; and one copy shall be returned to the applicant.
- B. Each development shall be under construction within one year after the date of approval of the final site plan, except as noted below. **[Section 11.07.A-B amended 8/2/06]**
 1. The Planning Commission may grant one six-month extension provided the applicant applies for such extension prior to the date of the expiration of the final site plan.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 3. Should neither of the aforementioned provisions be fulfilled or a six-month extension has expired without construction underway, the final site plan approval shall be null and void.
- C. Amendments to an approved final site plan may occur only under the following circumstances:
 1. The holder of a valid final site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 2. If the site plan was approved by the Zoning Administrator, the Zoning Administrator may approve changes to the site plan, provided the site plan as amended still meets the qualifications for Zoning Administrator review. Otherwise, minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as approved by the Planning Commission. The Zoning Administrator may, in his/her sole discretion, in consultation with the chair of the

Planning Commission and/or supervisor, refer requests for site plan amendment to the Planning Commission, even if such amendment would qualify for Zoning Administrator approval. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change: **[Section 11.07.C.2 amended 8/7/13]**

- a. Reduction of the size of any building and/or sign.
- b. Movement of buildings and/or signs by no more than ten feet.
- c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
- d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
- e. Changes in floor plans, which do not alter the character of the use.
- f. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design.
- g. Changes required or requested by the Township for safety reasons shall be considered a minor change.

3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 11.08 ACT 177 CLUSTER DEVELOPMENT PURPOSE AND INTENT. Sections 11.08 through 11.12 are adopted for the purpose of implementing Act 177 of the Public Acts of Michigan of 2001 (“Act 177”). In Act 177, the State Legislature mandated that townships which meet certain qualifying conditions (as does Courtland Township) must provide for clustered residential housing at the developer’s option. The provisions for Act 177 Cluster Developments are in addition to provisions made for planned unit developments under Chapter 9 of the Zoning Ordinance. **[Section 11.08 added 12/4/02]**

SECTION 11.09 QUALIFYING CONDITIONS. Land may be developed as an Act 177 Cluster Development only if all of the following conditions are satisfied:

- A. The subject land is in the R-R, R-1, or R-2 Zoning District (subject to the density provisions below);
- B. The applicable zoning regulations permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system;

- C. Construction of an Act 177 Cluster Development shall not depend upon the extension of public sanitary sewer or public water to the land, unless the development of the land without the exercise of the Act 177 Cluster Development option would also depend on extension of these utilities; and
- D. The Act 177 Cluster Development option provided pursuant to this article shall not have previously been exercised with respect to the same land. **[Section 11.09 added 12/4/02]**

SECTION 11.10 USES PERMITTED.

- A. In the R-R and R-1 Districts, only detached single family dwellings, state licensed family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted.
- B. In the R-2 District, only two family dwellings, state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted by right. Multiple family developments may be permitted in an Act 177 Cluster Development, only if separately approved as a special land use.
- C. An Act 177 Cluster Development may be a site condominium, subdivision, or land division if sufficient divisions are available. **[Section 11.10 added 12/4/2002.]**

SECTION 11.11 SPECIAL APPLICATION AND REVIEW PROCEDURES.

- A. Except as otherwise provided in this section, the application shall be reviewed in accordance with Chapter 11.
- B. Except for the additional information required by this section, the application materials shall be as required for preliminary site plan approval (if desired by applicant) and final site plan approval under Chapter 11. If an Act 177 Cluster Development is proposed as a subdivision, then the applicant must also submit information in the content and form required by the Township Land Division Ordinance.
- C. In addition to the application materials otherwise required by Chapter 11, an application for an Act 177 Cluster Development shall include the following:
 - 1. A parallel plan, which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without PUD approval or any variance. The parallel plan shall include at least the following information:
 - a. Date, north arrow and scale. The scale of the drawing shall not be more than 1"=100'.

- b. Location and dimensions of streets and driveways, and computation of total area included in rights-of-way.
 - c. Lot layout, dimensioned to show lot area and width.
 - d. Location of all public or private utilities and improvements that would be necessary to serve a development and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - e. If development under the parallel plan would require the use of septic tanks, drain fields and/or water wells, the location of all septic tanks and drain field areas, and water well locations. The applicant shall submit proof that the proposed septic tank, drain field and water well location for each lot would be approved, or has been approved, by the Kent County Health Department.
 - f. The parallel plan shall illustrate and dimension all land, with slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.
2. A copy or excerpt of the legal instrument that would provide for preservation of open space. At a minimum, the legal instrument shall:
- a. Indicate the proposed permitted use of the undeveloped open space.
 - b. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Township.
 - c. Provide for maintenance of the undeveloped open space by its owners or co-owners.
3. The site plan for an Act 177 Cluster Development shall also include the following information:
- a. The portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for development, including building lots, street rights-of-way, drainage and other facilities needed for the development.

- b. The total number of acres proposed to remain in a perpetually undeveloped state, the number of acres proposed to be for development, and the percentage of each, as compared to the total site acreage.
 - c. The location of all proposed lots and proposed building envelopes and the lot area and width of each lot, and a demonstration that the minimum front, side and rear yard building setbacks of the district can be satisfied. The number of proposed lots on the site development plan shall not exceed the number of lots on the parallel plan, as approved by the Township.
4. A sketch or aerial photograph of adjacent lands, showing all natural features and improvements on those lands. **[Section 11.11 added 12/4/02]**

SECTION 11.12 STANDARDS OF REVIEW.

A. **Maximum Number of Lots.** The maximum number of lots in an Act 177 Cluster Development is the maximum number of complying, feasible lots which could be developed on the land in question if each lot met the minimum requirements of the zoning district in which it is located, as determined by the Township based on the parallel plan. In making this determination, the following standards apply:

- 1. Regulated wetlands and areas of slope greater than 20 percent shall be assumed to be unusable for roads, driveways, or residential buildings. If a parallel plan shows roads, driveways, or residential buildings in such areas, the applicant has the burden of proving that these areas could be developed lawfully, practically and cost effectively.
- 2. Each lot shall meet the minimum requirements for the zoning district in which it is located, including satisfaction of minimum lot width and area, without variance. The applicant shall demonstrate that there is sufficient buildable area on the property that a building with a footprint at equal to a one story home meeting the minimum requirements for floor area could be constructed, in full compliance with all setback requirements and other zoning ordinances, and that a septic system and well (if applicable) could be installed and safely used for that unit.
- 3. The parallel plan shall include roads within the development which meet the standards for public roads, unless the applicant meets the burden of demonstrating that the parallel plan would meet the standards for approval of a special land use for private roads. The applicant shall demonstrate that the layout of rights-of-way provide for a practical, workable, and cost efficient provision for utilities, including storm water management and other facilities necessary to serve the development.

B. **Required Open Space.** At least 50 percent, but no more than 60 percent, of the land proposed for an Act 177 Cluster Development shall remain in a perpetually

undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument. The following areas shall not constitute open space:

1. The area within all street rights-of-way.
2. Any easement for overhead utility lines.
3. The area within a platted lot, site condominium unit or metes and bounds parcel intended to be occupied by a structure not permitted to be located in open space.
4. Off-street parking areas.
5. Detention and retention ponds.
6. Any area devoted to public or common community sewage disposal systems.
7. Any golf course.
8. Bodies of water.

C. **Standards for Open Space.** The following standards shall apply to the required open space:

1. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
2. Open space shall be located so as to preserve the most significant natural resources, natural features, scenic or wooded areas, bodies of water, wetlands or agricultural land on the site, or to serve as a buffer for neighboring property owners or public rights-of-way. Location of open space shall be located to give preference to buffering of neighboring properties and public rights-of-way. Landscaping and screening may be required if deemed appropriate by the Township to create or supplement a buffer between adjacent properties.
3. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, agricultural use or other similar use, if determined by the Township to enhance the open area.
4. The open space shall be available for all residents of the development (subject to reasonable rules and regulations), and located to be reasonably accessible to residents.

5. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water. If open space does abut a lake or stream, the legal instrument governing the common area shall make provision, satisfactory to the Township, that there will be full compliance with Township regulations governing minimum frontage for each residential unit which utilizes the body of water, and the common space shall not be utilized as a device to avoid Township regulation of water access.
 6. All or part of required open space may be dedicated to the public, upon approval of the Township. The Township retains sole discretion whether to accept land proposed to be dedicated to the Township.
 7. No buildings, structures, or improvements may be located in the designated open space, except structures or improvements approved by the Township which promote the purposes of the open space, such as playground or athletic equipment, or agricultural structures within open space designated for agricultural use.
- D. **Compliance with Zoning District.** The development of lands under this article shall otherwise comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, including compliance with setback and yard size requirements for each lot.
- E. **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable.
- F. **Required Width.** Each lot in the R-R and R-2 Districts shall have a minimum lot width of 110 feet. Each lot in the R-1 District shall have a minimum lot width of 110 feet for lots without public sanitary sewer service, and 85 feet for lots with public sanitary sewer service. A reduction in lot width shall not excuse compliance with setbacks for buildings to be located on the lots.
- G. **Grading.** Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, grading shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, unless approved by the Township based on a finding that the disturbance enhances the open space.
 3. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land.

- H. **Streets.** All streets shall be public, unless private streets are separately approved by the Township as a special land use pursuant to this Ordinance.
- I. **Legal Instrument.** The legal instrument preserving open space shall do so in a manner which complies with the Ordinance and Act 177 in an effective and practical manner. The Township attorney must review and approve the legal instrument prior to recording.
- J. **Other Laws.** The development of an Act 177 Cluster Development is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers. [Section 11.12 added 12-4-02]

SECTION 11.13 RECREATIONAL TRAILS. In connection with any approval of any site plan for a development approved under this chapter, the Township may require the dedication of public right-of-way for recreational trails, or may require dedication at a future time on request of the Township, along: (1) the entire frontage of the proposed development along existing public streets; or (2) through the interior of the development, in open space areas or adjacent to internal public or private roadways, or at another location.

- A. **Procedures.** As part of its review of a development, the Planning Commission shall specifically consider whether recreational trails are necessary along or through the proposed development in order to achieve public purposes of promoting bicycle and pedestrian trails throughout the Township, providing a network of non-motorized trails to connect neighborhoods with other neighborhoods, schools, parks, churches, shopping, services, and other trail systems, and in general providing a safe means of pedestrian use and non-motorized transportation throughout the Township. If the Planning Commission determines that recreational trails are necessary to achieve these public purposes, it shall determine the appropriate location for such trails. In making this determination, the Planning Commission shall consider, in addition to other relevant factors, all of the following:
 1. Vehicle traffic likely to be generated by the proposed development.
 2. Pedestrian, bicycle and other non-motorized traffic likely to be generated by the proposed development.
 3. The importance of the required recreational trails to provide a safe means for access to schools, churches, parks, shopping, other trail networks, and other amenities.
 4. The location of the development and the proposed recreational trail to provide connectivity to planned routes for recreational trails.
 5. The cost of construction of the required recreational trails.

6. The fair market value of any right-of-way or easement required to be dedicated for the recreational trails.
 - B. The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developer's position with respect to the need for recreational trails.
 - C. Dedication of right-of-way for recreational trails may not be required if the Planning Commission specifically determines that the location of the development is such that the standards described in subsection A above do not weigh in favor of construction of recreational trails, or that the location is one at which there is no reasonable likelihood of a recreational trail becoming part of an interconnected trailway system. **[Section 11.13 added 8/7/13]**